

ASSEMBLY BILL

No. 13

Introduced by Assembly Member Firebaugh

December 10, 2003

An act to amend Section 1877.1 of the Insurance Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 13, as introduced, Firebaugh. Workers' compensation: fraud.

Existing law requires an insurer, upon written request of an authorized governmental agency, as defined, to release to the agency all relevant information deemed important to the agency that the insurer may possess relating to any specific workers' compensation insurance fraud investigation.

This bill would add any city attorney whose duties include criminal prosecutions and any law enforcement agency investigating workers' compensation fraud to the list of authorized governmental agencies to which an insurer must release this information.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1877.1 of the Insurance Code is
2 amended to read:

3 1877.1. The following definitions govern the construction of
4 this article, unless the context requires otherwise:

5 (a) "Authorized governmental agency" means the district
6 attorney of any county, *any city attorney whose duties include*

1 *criminal prosecutions, any law enforcement agency investigating*
2 *workers' compensation fraud*, the office of the Attorney General,
3 the Department of Insurance, the Department of Industrial
4 Relations, the Employment Development Department, and any
5 licensing agency governed by the Business and Professions Code.

6 (b) "Relevant" means having a tendency to make the existence
7 of any fact that is of consequence to the investigation or
8 determination of an issue more probable or less probable than it
9 would be without the information.

10 (c) "Insurer" means an insurer admitted to transact workers'
11 compensation insurance in this state, the State Compensation
12 Insurance Fund, an employer that has secured a certificate of
13 consent to self-insure pursuant to subdivision (b) or (c) of Section
14 3700 of the Labor Code, or a third-party administrator that has
15 secured a certificate pursuant to Section 3702.1 of the Labor Code.

16 (d) "Licensed rating organization" means a rating
17 organization licensed by the Insurance Commissioner pursuant to
18 Section 11750.1.

19 (e) Information shall be deemed important if, within the sole
20 discretion of the authorized governmental agency, that
21 information is requested by that authorized governmental agency.

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